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Election of the members of the International Law Commission

Note by the Secretary-General

Addendum

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* A/56/150.
** See A/56/117/Add.1 for the dates of communication submitting the candidature of Messrs Akuyev, Al-Baharna and Kemicha.

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Statements of qualifications of candidates

Nikolai Akuyev (Kazakhstan)

[Original: English]

Nikolai Akuyev was born 1941 in the Kurgan region of the Russian Federation; he is Kazakh by nationality. He graduated from secondary school with a Gold Medal and with honours from Legal Faculty of the M. V. Lomonosov Moscow State University. He was Leninist Scholar and is a Candidate in the Science of Law with the rank of Professor.

Mr. Akuyev held the post of lecturer at the Almaty School of the Militia (Civilian Police) (1963-1967) and as a junior, senior and chief Research Officer, Scientist Secretary, and Head of Sector of the Institute of Philosophy and Law of the National Academy of Science (1967-1990). He was twice elected a Deputy of the Parliament of the Republic of Kazakhstan, where he served as Chairman of the Committee on Matters of Legislation, Legality, Law and Order and as a member of the Presidium (1990-1995). From 1995 to 1996, he was a Head of Sector of the Administration of the President of the Republic. Since February 1996, he has been a member of the Constitutional Council of Kazakhstan, while simultaneously doing part-time advanced academic work as a Head of the Law Faculty of Turan University. In that capacity he has trained a large number of lawyers working at state organs and in the judicial system.

He is the author of four books and 37 scientific articles. His publications are devoted to the problems of constitutional law and democracy, legal forms of the organization and activity of state organs, correlation of national legislation and international law. In particular, he has thoroughly studied the issues of the content and form of the Constitution, the consolidation of democratic priorities therein, fundamental human rights and freedoms, and the improvement of legislation through the implementation of norms of international law.

Mr. Akuyev is an active participant of legislative process of the nation. From 1990 to 1995, he served as a member of the Constitutional Commission; team leader of the Working Group on drafting of laws of the Republic of Kazakhstan on the President, on elections, on the Constitutional Court and legal procedure, the Civil Code as well as other legislative acts; and participated in drafting the State Programme of Legal Reform devoted to the transition from totalitarianism to a market economy and democracy.

He has delivered lectures at sessions of the World Congress of Political Science (held in France and Argentina), as well as international scientific conferences in India, Italy, Hungary, Poland and Pakistan (1995-2000). He has given lectures and held discussions at meetings with legal community in the United Kingdom of Great Britain and Northern Ireland, Belgium and the Netherlands. Since 1989 he has been a member of Editorial Board of the *Moscow Journal of International Law*.

As a member of the delegation of Kazakhstan Mr. Akuyev has participated in the preparation of documents and agreements on the delimitation of property between former Republics of the Soviet Union, their further interaction in the legal, economic and defence fields, and the creation of the Commonwealth of Independent

States (CIS). In 1994 and 1995 he was the Chief of the authorized delegation of Kazakhstan to the sessions of the Inter-Parliamentary Assembly of CIS. He has also served as a member of official parliamentary and governmental delegations to the United States of America, China and the Russian Federation, and participated in various summits of Heads of State of CIS. He was Co-Chairman of the bilateral commission on interaction and cooperation between the Parliaments of Kazakhstan and Belarus. He is currently an authorized representative of the Constitutional Council of the Republic of Kazakhstan on establishing contacts with the European Commission for Democracy through Law (Venice Commission) and takes an active part in its work.

For his contribution to the State, political life and the public good, Mr. Akuyev was conferred the rank of "Honored Worker of Kazakhstan". He has been awarded with honorary diplomas, breastplates "for active work", and medals.

Husain M. Al-Baharna (Bahrain)

[Original: English]

Academic and professional qualifications

Bachelor of Law, University of Baghdad.

Postgraduate Diploma in Law, London University.

Diploma, the Hague Academy of International Law, 1960.

Ph.D., Public International Law, University of Cambridge, United Kingdom, 1961.

Barrister-at-Law, Lincoln's Inn, London, 1985.

Official and legal career

Legal Adviser, Ministry of Foreign Affairs, State of Kuwait, 1962-1964.

Legal Adviser and Analyst on Arab Gulf Affairs, Arabian-American Oil Company, Saudi Arabia, 1965-1968.

Legal Adviser, Department of Foreign Affairs, State of Bahrain, 1969-1970.

President of the Legal Committee of the Council of State of Bahrain, 1970-1971.

Legal Adviser to the State of Bahrain and member of the Council of State, Bahrain, 1970-1971.

Agent and Counsel for the State of Bahrain in the *Case Concerning Maritime Delimitation and Territorial Questions* (*Qatar v. Bahrain*) before the International Court of Justice, 1991-1995.

Minister of State for Legal Affairs, State of Bahrain, 1972-1995.

Currently member of the International Law Commission, since 1987. Rapporteur for the forty-third session, 1991.

Currently member of the International Council for Commercial Arbitration, since 1993.

Currently Legal Counsel for the State of Bahrain on International Law.

Academic and public contributions

Member of the Editorial Board, *Arab Law Quarterly*. Published by the Society of Arab Comparative and International Law, London.

Member of the Experts' Consultative Committee for the Euro-Arab Arbitration Congress, Paris.

Honorary Member of the Euro-Arab Forum for Arbitration and Business Law, Paris.

Council Member of the Centre for Islamic and Middle Eastern Law (School of Oriental and African Studies), University of London, 1990.

Member of the Consultative Committee of the *Journal of the Gulf and Arabian Peninsular Studies*, published by the University of Kuwait.

Member of the Consultative Committee of the *Arab Journal for International Documentation*, issued by the Gulf International Documentation Centre.

Member of the Committee of Experts on Control of Transnational and International Criminality and for the Establishment of the International Criminal Court, organized by the International Institute of Higher Studies in Criminal Sciences (ISISC), which met at Siracusa, Italy, from 24 to 28 June 1990 and adopted a Draft Statute for an International Criminal Court.

Vice-President of the Arab Court of Arbitration established by the Association arabe de l'arbitrage International, Paris, since 1991.

Member of the Mixed Euro-Arab Court for the Settlement of Commercial Disputes arising from the Gulf War, Paris.

Board Member of the Bahrain Centre for International Commercial Arbitration.

Member of the Committee of Legal Experts of the Commercial Arbitration Centre of the Countries of the Gulf Cooperation Council, Bahrain.

Member of the Arab Group of the International Court of Arbitration, Paris.

Board Member of the Bahrain National Committee for the International Chamber of Commerce, Paris.

Member of the Bahrain Bar Society.

Professional activities and legal experience

Participation in intergovernmental conferences

Legal Adviser to and Member of the delegation of the Government of Bahrain in the negotiations with Iran on the resolution of the Bahrain-Iran Dispute, 1969-1970.

Member of the Drafting Committee on the Constitution of the Federation of Arabian Gulf States, established by the Gulf Rulers, 1969-1971.

Member of and Legal Adviser to the delegation of the Government of Bahrain to the Conference of Gulf Rulers on the Proposed Federation of the Arabian Gulf States, 1969-1971.

Member of and Legal Adviser to the delegation of Bahrain to the Summit of Arab Heads of State, Cairo, 1977.

Member of and Legal Adviser to the delegation of Bahrain to the Summit of Islamic Heads of State, Rabat, 1987.

Member of the delegation of Bahrain to the Summit of the Heads of State of the Gulf Cooperation Council, Riyadh, 1989.

Member of the delegation of Bahrain to the 6th Summit Conference of the Organization of Islamic States, Dakar, 9-10 December 1991.

Member of the delegation of Bahrain to the 10th Gulf Cooperation Council Summit Conference, Kuwait, 23-25 December 1991.

Member of the delegation of Bahrain to the 10th Conference of the Heads of State and Government of Non-Aligned Countries, Jakarta, 1-6 September 1992.

Participation at United Nations sessions and legal conferences

Member of and Legal Adviser to the delegation of Bahrain to the General Assembly sessions in 1970, 1971 and 1986-2000.

Representative of Bahrain on the Sixth (Legal) Committee of the General Assembly, since 1986.

Chairman of the delegation of Bahrain to the Third United Nations Conference on the Law of the Sea, 1978-1982 sessions.

Chairman of the delegation of Bahrain to the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, 1983-1994.

Chairman of the delegation of Bahrain to the special meeting of the United Nations Security Council on the conditions of the Palestinian people, held at Geneva, 25-26 May 1990.

Special assignments

Commissioned by the League of Arab States as a Special Envoy to the North American States and Japan to explain to the Governments and peoples of those countries the Arab position on the question of Palestine and the Middle East oil crisis, 15-31 December 1974.

Represented Bahrain at several intergovernmental conferences.

Participation at international seminars

Presented a paper on "Treaty-Making Power of Protected States" at the Seminar on the Law of Treaties, held by the Research Centre of the Hague Academy of International Law, August 1960.

Presented a paper on "Legal Framework for Foreign Business and Investment in Bahrain, Qatar and the United Arab Emirates" at a Seminar on the Legal Environment for Business in Arabian States, New York, 30 May 1973.

Presented a paper on "Legal Framework for Development of Natural and Living Resources in the Arabian Gulf" at the Seminar on the Importance of the Arabian Peninsula in the Historical, Political, Legal and Economic Fields, held under the auspices of the Centre for Documentation and Research, Ministry of Foreign Affairs, United Arab Emirates, 20-25 November 1979.

Presented a paper on "The Importance of Cooperation among Gulf States in the Political, Legal and Economic Fields" at the Seminar on the Scope of Economic and Social Developments in the Arabian Gulf States, sponsored by the University of Baghdad, 25-27 February 1980.

Participated in the Seminar on Human Rights in Islam, organized by the International Commission of Jurists, Kuwait, December 1980.

Presented papers on the "New International Economic Order" and the "Exclusive Economic Zone" at the Biennial Conference of the International Law Association, Paris, August 1984.

Participated in the Seminar on the Unification of Private Law Legislation in the Arabian Gulf, sponsored by the University of Kuwait, 21-25 February 1987.

Presented a paper at the above-mentioned Kuwait seminar on "Effects of the Agreement of Economic Unity of the Gulf Cooperation Council on Private Law Legislations in Member States".

Participated in and chaired the session on "Rules of Arbitration of the Second Euro-Arab Arbitration Congress", held in Bahrain from 26 to 28 October 1987.

Participated in and chaired the Conference of the Second Arab-International Bar Association, Bahrain, 5-8 March 1989.

Presented a paper at the above-mentioned conference on "Enforcement of Foreign Judgements and Awards in the Arab Gulf States".

Participated in and chaired the session on "Arbitration in the Arab World" of the Third Euro-Arab Arbitration Congress, Amman, 23-25 October 1989.

Participated in the "Experts meeting on Arbitrators" to enquire into the question of the "Role of Comparative Law in International Arbitration", held by the Chamber of National and International Arbitration of Milan, 5-6 February 1990.

Presented a paper on "The International Law Commission in Perspective: Legal and Historical Developments" at the International Law Seminar organized by the United Nations at Geneva, during attendance at the forty-second session of the International Law Commission, Geneva, May-July 1990.

Presented a paper on "Codification and Development of International Law in the Perspective of Developing Countries" at the Symposium on Developing Countries and International Law, held at Beijing by the Ministry of Foreign Affairs of China, 24-26 August 1992.

Participated in the Cairo-Alexandria Conference on Arbitration, sponsored by the Cairo Regional Centre for International Commercial Arbitration and the Arab Association for International Arbitration, Paris, 11-15 October 1992.

Delivered a lecture on "The Legal Analysis of the Basic Regulations and the Economic Unity Agreement of the Council of the Arab States of the Gulf", Sultan Qaboos University, Oman, 13 December 1992.

Delivered a lecture on "The International Community within the Framework of the Machinery of the United Nations and its Specialized Agencies" at the Bahrain Motherhood and Child Care Society, 16 January 1993.

Delivered a keynote address on "International Commercial Arbitration in a Changing World" at the Conference of the International Council for Commercial Arbitration, Bahrain, 14-16 February 1993.

Fathi Kemicha (Tunisia)

[Original: English/French]

Born at Kairouan, Tunisia, on 14 February 1952.

Academic background

Doctor of Law, Université Paris I, Panthéon-Sorbonne, 1984.

Diplôma (International Relations), Institut d'Etudes Politiques de Paris, 1977.

Visiting Scholar, Yale Law School, 1996.

International legal experience and associations

Avocat (Attorney at Law); member of the Bar of Paris; member of the Bar of Tunisia.

Senior partner, SCP Avocats, Kemicha and Associates, Tunis.

Court Member of the London Court of International Arbitration.

Vice-Chairman of the Pan-African Council of the London Court of International Arbitration.

Vice-Chairman of the Arab Regional Forum of the International Bar Association.

Former Secretary-General of the Arbitration System of the Euro-Arab Chambers of Commerce, Paris.

Founder and Secretary-General of the Euro-Arab Forum for Arbitration and Business Law, Paris.

Counsel to the State of Pakistan in the *Case concerning the Aerial Incident of 10 August 1999* (*Pakistan v. India*), International Court of Justice, Oral Pleadings, 3-6 April 2000; Judgement, 21 June 2000.

Counsel to the State of Bahrain in the *Case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (*Qatar v. Bahrain*), International Court of Justice, Oral Pleadings, 29 May-29 June 2000; Judgement, 16 March 2001.

Expert retained together with Coudert Brothers, Washington, D.C., by the World Bank and Mitsubishi Research Institute to prepare the legal section of "The Study and Evaluation of the Negotiations for the Privatization of Infrastructure in Tunisia: The Case of Rades II IPP — 2000-2001".

Member of the Commission on International Arbitration, International Chamber of Commerce.

Member of the Arab Arbitration Group, International Court of Arbitration, International Chamber of Commerce.

Former member of the Working Group on Arbitration, United Nations Commission on International Trade Law, Vienna.

Member of the Council of the Centre of Islamic and Middle Eastern Law, School of Oriental and African Studies, University of London.

Member of the International Experts Committee of the Quebec National and International Commercial Arbitration Centre, Canada.

Member of the International Arbitration Institute, Paris.

Member of the American Society of International Law.

Member of the International Bar Association.

Member of the International Law Association (French branch).

Member of the International Association of Lawyers/Union Internationale des Avocats (UIA).

Member of the Comité Français de l'Arbitrage.

Working languages

Arabic, French and English.

Publications/lectures on arbitration and international law

Euro-Arab Arbitration: Proceedings of the First Euro-Arab Arbitration Congress, Tunisia, 1985 (Lloyd's of London Press), 382 pages.

Euro-Arab Arbitration II: Proceedings of the Second Euro-Arab Arbitration Congress, Bahrain, 1987 (Graham and Trotman, London), 227 pages.

Euro-Arab Arbitration III: Proceedings of the Third Euro-Arab Arbitration Congress, Jordan, 1989 (Graham and Trotman, London), 265 pages.

"Les opérateurs économiques face à l'arbitrage", address delivered at the luncheon-debate held by the Tunisian-French Chamber of Commerce and Industry, Tunis, 30 April 1991.

"Perception de l'arbitrage au Machrek et dans les pays du Golfe", communication to the seminar held by the International Chamber of Commerce, Marrakesh, 12 May 1992.

"Règlement des différends relatifs aux investissements", communication to the Third Arab Regional Conference held by the International Bar Association, Casablanca, 24-26 May 1993.

"La négociation et la rédaction des clauses d'arbitrage dans les contrats internationaux", seminar held by the Centre for Legal and Judicial Studies, Ministry of Justice, Tunis, 9-10 December 1994.

"Future Perspectives on International Commercial Arbitration in the Arab Countries", final report delivered at the Conference organized by the International Council for Commercial Arbitration (ICCA) in Bahrain, 14-16 February 1993. In *International Arbitration in a Changing World* (ICCA Series No. 6, Kluwer, 1994), pp. 221-238.

"Perspectives de développement de l'arbitrage commercial international dans les pays arabes". *Cahiers juridiques et fiscaux de l'exportation* (Centre français du commerce extérieur) No. 1 (1994), pp. 43-64.

"La constitution du tribunal arbitral", seminar on international commercial arbitration held by the Bar Association, International Chamber of Commerce, Tunis, 18 April 1995.

"La pratique des contrats internationaux dans les pays de droit musulman", seminar on the negotiation, drafting and execution of international contracts, PIDA XXI, Institute on the Law and Practice of International Affairs, International Chamber of Commerce, Paris, 4-8 September 1995.

"L'investissement étranger en Tunisie", communication to "Legal update — Tunisia: New legal and fiscal conditions for investment", held by the French Foreign Trade Centre, 2 October 1995.

"Le traitement, la protection et la garantie des investissements étrangers en Tunisie". *Cahiers juridiques et fiscaux de l'exportation*, No. 6 (1995): 1249-1260.

"Tunisie: le règlement des différends". *Cahiers juridiques et fiscaux de l'exportation*, No. 6 (1995): 1261-1270.

"The Approach to Mediation in the Arab World", communication to the Conference on Mediation organized by the World Intellectual Property Organization, Geneva, 29 March 1996.

"Tunisie: l'émergence d'une place d'arbitrage international", *Gazette du Palais, Numéro special*, No. 83, 24 March 1998, on the occasion of the one hundredth anniversary of the Tunisian Bar.

"Les défis de la mondialisation de l'arbitrage international du point de vue d'un pays arabe: la Tunisie", communication to the conference held by the London Court of International Arbitration, Tunis, 23 March 1999.

"L'arbitrage commercial international: mythes et réalités", series of practical courses in development law, International Institute of Development Law, Rome, 6-7 October 1998.

"Mutations économiques et nouvelles places d'arbitrage dans le monde arabe", communication to the international symposium held by the Tunis Arbitration Centre, 27 April 1999.

"The Emergence of New Arbitration Centres in the Arab World". Contribution to *Law of International and Dispute Resolution in the 21st Century: Liber Amicorum in Honour of Prof. Dr. Karl-Heinz Böckstiegel* (Carl Heymanns Verlag KG, June 2001).

"Arbitration in the Arab World in the 21st Century" in *Arab Commercial Law: Into the Future*. Edited by Howard Stovall and the American Bar Association. To be published in 2001.